

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CRIMINAL CASE NO. 3:09-cr-00082-MR-DLH-1**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
SURRELL MONTIA DUFF,)	
)	
Defendant.)	
<hr style="width:45%; margin-left:0"/>)	

THIS MATTER is before the Court on the Defendant's letter, which this Court construes as a *pro se* Motion for Reconsideration [Doc. 63].

On December 30, 2014, on behalf of the Defendant, the Federal Defenders of Western North Carolina filed a Motion for Sentence Reduction pursuant to 18 U.S.C. § 3582 and Amendment 782. [Doc. 56].¹ On June 22, 2015, this Court granted the Defendant's Motion and entered an Order reducing the Defendant's sentence pursuant to Amendment 782. [Doc. 62]. On March 22, 2016, nine months later, the Defendant filed the instant Motion asking this Court to reconsider its June 22, 2015 Order.

¹ The Defendant also filed a *pro se* Motion seeking relief under 18 U.S.C. § 3582. [Doc. 59].

When the Sentence Commission reduces the Guidelines range applicable to a prisoner's sentence, the prisoner has an opportunity pursuant to § 3582(c)(2) to persuade the district court to modify his sentence. If the result does not satisfy him, he may timely appeal it. But he may not, almost eight months later, ask the district court to reconsider its decision.

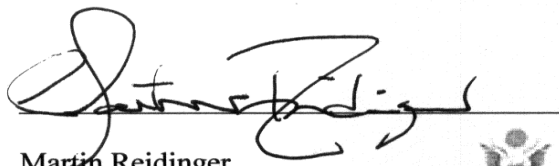
United States v. Goodwyn, 596 F.3d 233, 236 (4th Cir. 2010), cert. denied, 561 U.S. 1036 (2010).


Here, this Court granted the Defendant a sentence reduction on June 22, 2015, and the instant Motion for reconsideration was filed nine months later. Accordingly, the Defendant's Motion for Reconsideration is untimely. For these reasons, the Defendant's Motion for Reconsideration must be denied.²

IT IS, THEREFORE, ORDERED that the Defendant's Motion for Reconsideration [Doc. 63] is **DENIED**.

IT IS SO ORDERED.

Signed: March 30, 2016


Martin Reidinger
United States District Judge



² It should be noted that in his letter/motion the Defendant seeks to explain the infractions on his record. Defendant, however, only undertakes to explain one of the many infractions listed.